

1 SCOTT N. SCHOOLS (SCBN 9990)  
United States Attorney  
2 BRIAN J. STRETCH (CSBN 163973)  
3 Chief, Criminal Division  
4 MATTHEW A. PARRELLA (NYSBN 2040855)  
Assistant United States Attorney

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6 San Jose, California 95113  
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9 Attorneys for Plaintiff

10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

17 LAN LEE,  
a/k/a Lan Li, and  
18 YUEFEI GE,

19 Defendants.

No. CR-06-00424 JW

)  
)  
) **STIPULATION CONTINUING STATUS**  
) **DATE AND EXCLUDING TIME AND**  
) **[PROPOSED] ORDER**  
) *SW*

20 **IT IS HEREBY STIPULATED AND AGREED**, by and between Scott N. Schools, United  
21 States Attorney, and Matthew A. Parrella, Assistant United States Attorney, counsel for the  
22 United States of America, and Thomas J. Nolan, Esq. and Edward W. Swanson, Esq., counsel for  
23 defendants, that the status date currently scheduled for January 14, 2008, be vacated and  
24 continued to January 28, 2008, or to a date thereafter at the convenience of the Court.

25 This Stipulation is entered into for the following reasons:

26 1. Counsel for the government will be out of the district and may be traveling on the  
27 day of the next court appearance. Counsel for defendant Ge has numerous court appearances in  
28 San Francisco on that same day.

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RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

FILED

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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

1           2.       Counsel for defendant Ge is new to the case and is reviewing a protective order  
2 allowing him access to certain confidential discovery. In addition, counsel for defendant Ge has  
3 inquired about portions of the discovery and the government is researching its response. As  
4 stated in the previous stipulation, discovery is continuing. A complete review of this evidence is  
5 necessary before any meaningful discussions on the indictment can proceed.

6           3.       Counsel for the defendants have spoken with the defendants and the defendants  
7 have no objections to the continuance sought herein.

8           4.       The defendants are not in custody.

9           5.       This continuance is sought to save the court's time and resources, to allow time  
10 for the Defendants and the Government to evaluate and analyze discovery information which will  
11 have a bearing on the future course of the indictment, and for effective preparation of counsel.

12          6.       Additionally, denial of this request could result in a miscarriage of justice, taking  
13 into account the exercise of due diligence.

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1           8.       The additional time requested by this stipulation is excludable in computing the  
2 time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,  
3 United States Code, Sections 3161(h)(1)(F), 3161(h)(7), and 3161(H)(8)(A), considering the  
4 factors under Title 18 United States Code, Sections 3161(h)(8)(B)(I) and 3161(h)(8)(B)(iv).

5  
6 DATED this 19<sup>th</sup> day of December, 2007.

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8 SCOTT N. SCHOOLS  
United States Attorney

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11 MATTHEW A. PARRELLA  
Assistant United States Attorney

12/19/07  
DATE

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14 THOMAS J. NOLAN  
Attorney for Defendant LEE

\_\_\_\_\_  
DATE

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16 EDWARD W. SWANSON  
Attorney for Defendant GE

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28 STIPULATION CONTINUING STATUS DATE,  
EXCLUDING TIME, AND [PROPOSED] ORDER

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6 DATED this \_\_\_\_\_ day of December, 2007.

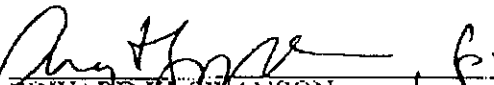
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8 SCOTT N. SCHOOLS  
9 United States Attorney

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11 \_\_\_\_\_  
12 MATTHEW A. PARRELLA  
13 Assistant United States Attorney

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DATE

14 THOMAS J. NOLAN  
15 Attorney for Defendant LEE

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17 EDWARD W. SWANSON  
18 Attorney for Defendant GE

12/17/07  
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4 factors under Title 18 United States Code, Sections 3161(h)(8)(B)(I) and 3161(h)(8)(B)(iv).  
5

6 DATED this \_\_\_\_\_ day of December, 2007.  
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8 SCOTT N. SCHOOLS  
9 United States Attorney  
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11 \_\_\_\_\_  
12 MATTHEW A. PARRELLA  
Assistant United States Attorney

\_\_\_\_\_  
DATE

13 \_\_\_\_\_  
14 THOMAS J. NOLAN  
Attorney for Defendant LEE

12/18/07  
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17 EDWARD W. SWANSON  
Attorney for Defendant GE

\_\_\_\_\_  
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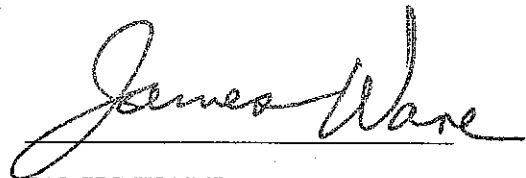
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28 STIPULATION CONTINUING STATUS DATE,  
EXCLUDING TIME, AND [PROPOSED] ORDER

1 Based upon the foregoing representations made by the parties by stipulated motion, and  
2 good cause appearing therefor,

3 **IT IS HEREBY ORDERED** that the time between January 14, 2008 and January 28,  
4 2008 shall be excluded from the computation the period within which the trial must commence,  
5 for the reasons and based upon the statutory provisions set forth above, and for those reasons  
6 proffered by the parties. The Court finds that the ends of justice outweigh the interests of the  
7 public and the parties in a speedier trial based upon the grounds set forth above.

8 **IT IS FURTHER ORDERED** that the matter shall be removed from the Court's  
9 calendar on January 14, 2008, and continued to January 28, 2008, or a date thereafter at the  
10 convenience of the Court.

11 DATED: *December 19, 2007*



JAMES WARE  
United States District Judge